

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ABRAHAM AUSTIN,

Petitioner,

Case No. 2:19-cv-00468-APG-VCF

ORDER

STATE OF NEVADA, et al.,

Respondents.

10 Petitioner Abraham Austin has not properly commenced this action by either paying the
11 applicable filing fee or filing an application for leave to proceed *in forma pauperis*. Accordingly,
12 Austin will have 30 days from entry of this order to either pay the filing fee or file a complete
13 pauper application with all required attachments. LSR 1-2.

14 In addition, Austin has not named the correct respondent. He must name his immediate
15 physical custodian, the warden of the institution in which he is held. *See* Habeas Rule 2(a);
16 *Rumsfeld v. Padilla*, 542 U.S. 426, 434-42 (2004). Accordingly, Austin will, within 30 days of
17 entry of this order, file an amended cover page for his petition that names the warden of the
18 institution where he is being held.

19 The Clerk of Court shall send petitioner Abraham Austin a copy each of the instructions
20 and form for an inmate pauper application, a copy of the form for a § 2254 habeas petition, and
21 two copies of this order. Should Austin choose to pay the filing fee instead seeking pauper status,
22 he should make the necessary arrangements to have a copy of this order attached to the check for
23 the filing fee.

DATED THIS 7th day of April, 2019.

**ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE**